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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/781,925

02/12/2001

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01 P 7466 US

1795

7590

12/29/2005

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EXAMINER

CASIANO, ANGEL L

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/781,925		CAPERS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Angel L. Casiano		2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

1. The present Office action is in response to communication dated 14 October 2005.
2. Claims 1-19 and 21 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. [US 2002/0069272 A1] in view of Barrett et al. [US 6,782,420 B1].

Regarding claim 1, Kim et al. teaches a method for providing a communication server (see Title, Abstract). The cited art also teaches the step of receiving a selection of at least one service option (see “request”; Page 2, col. 2, [0026], [0028]). Kim et al. also teaches receiving capacity information (see “space”; Page 3, col. 2, [0033] and [0034]) for at least one type of subscriber (see “client”). The reference “automatically” (see Page 4, [0035]) applies a specified set of rules to produce a result set based on the service option selection and the capacity information; and determining *configuration parameters* for one or more network elements based on the result set (see Page 3, [0030] and [0034]).

However, the Kim et al. reference fails to explicitly disclose the step of “automatically determining that one or more network elements are to be included in the communication server based on the result set”, as claimed. Regarding this limitation, Barrett et al. teaches a network management (see Abstract) method in which a result set is automatically collected from network elements (see col. 2, lines 21-37; col. 12, lines 17-20). This information is collected by a management server (see col. 11, line 36). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method

for “remote management of network elements” and “to communicate management information concerning the network elements”, as taught by Barrett et al.

As per claim 2, Kim et al. teaches provisioning information based on a result set; and provisioning each of the network elements based on the provisioning information (see “client command”, Page 2, [0026]; “resources available to a particular user”, Page 3, [0030]).

As for claim 3, Kim et al. teaches registering the network elements (see “content of the database”, “servers”, Page 3, col. 1, [0031]).

As per claim 4, Kim et al. teaches storing provisioning information (see “set of parameters that control”, Page 3, col. 1, [0030]).

As for claim 5, Kim et al. teaches storing results (see Page 3, col. 2, [0033]; Figures 4 and 6).

As per claim 6, Kim et al. explicitly teaches network elements located in a remote location (see Page 2, [0026], [0027]). These network elements would also be downloaded from the remote location (see Page 3, col. 2, [0034]).

As per claim 7, Kim et al. explicitly teaches receiving *authentication information* from an operator (see “user”, Page 3, col. 1, [0032]); determining whether the operator is authenticated based on the authentication information (see Figure 2); presenting *management options* when the

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operator is authenticated (see “interactive screen display”, Figure 3); the management options comprising network element provisioning (see Page 3, col. 2, [0033], [0034]); and receiving a *selection* of network element provisioning.

Regarding claim 8, Kim et al. teaches a system for providing a communication server (see Title, Abstract) as well as a computer-processable medium (see Figure 1). The cited art also teaches the logic for implementing the steps of receiving a selection of at least one service option (see “request”; Page 2, col. 2, [0026], [0028]). Kim et al. also teaches receiving capacity information (see “space”; Page 3, col. 2, [0033] and [0034]) for at least one type of subscriber (see “client”). The reference applies a specified set of rules to produce a result set based on the service option selection and the capacity information; and determining *configuration parameters* for one or more network elements based on the result set (see Page 3, [0030] and [0034]). However, the reference fails to explicitly disclose, “determining that one or more network elements are to be included in the communication server based on the result set”, as claimed. Regarding this limitation, Barrett et al. teaches a network management (see Abstract) method and system in which a result set is automatically collected from network elements (see col. 12, lines 17-20). This information is collected by a management server (see col. 11, line 36). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a system for “remote management of network elements” and “to communicate management information concerning the network elements”, as taught by Barrett et al.

As per claim 9, Kim et al. teaches the logic for provisioning information based on the result set; and provisioning each of the network elements based on the provisioning information (see “client command”, Page 2, [0026]; “resources available to a particular user”, Page 3, [0030]).

As for claim 10, Kim et al. teaches the logic for registering the network elements (see “content of the database”, “servers”, Page 3, col. 1, [0031]).

As per claim 11, Kim et al. teaches logic for storing provisioning information (see “set of parameters that control”, Page 3, col. 1, [0030]).

As per claim 12, Kim et al. teaches logic for storing results (see Page 3, col. 2, [0033]; Figures 4 and 6).

As per claim 13, Kim et al. discloses logic for determining configuration parameters. The reference explicitly teaches network elements located in a remote location (see Page 2, [0026], [0027]). These network elements would also be downloaded from the remote location (see Page 3, col. 2, [0034]).

As for claim 14, Kim et al. explicitly teaches the logic for the steps of receiving *authentication information* from an operator (see “user”, Page 3, col. 1, [0032]); determining whether the operator is authenticated based on the authentication information (see Figure 2); presenting *management options* when the operator is authenticated (see “interactive screen

display”, Figure 3); the management options comprising network element provisioning (see Page 3, col. 2, [0033], [0034]); and receiving a *selection* of network element provisioning.

Regarding claim 15, the combination of references teaches a method for providing a communication server (see Title, Abstract). Therefore, the cited combination also teaches the service engine for providing this server in order to determine configuration parameters for network elements based on a result set (see previous rejections). The present claim is therefore rejected under the same rationale.

As for claims 16-19, the combination of references teaches a method for providing a communication server (see Title, Abstract). Accordingly, the cited combination also teaches the service engine for providing this server in order to determine configuration parameters for network elements based on a result set (see previous rejections). The present claims are therefore rejected under the same rationale.

Regarding claim 21, Kim et al. explicitly teaches receiving *authentication information* from an operator (see “user”, Page 3, col. 1, [0032]); determining whether the operator is authenticated based on the authentication information (see Figure 2); presenting *management options* when the operator is authenticated (see “interactive screen display”, Figure 3); the management options comprising network element provisioning (see Page 3, col. 2, [0033], [0034]); and receiving a *selection* of network element provisioning. Kim et al. teaches a method for providing a communication server (see Title, Abstract). The cited art also teaches the step of



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receiving a selection of at least one service option (see “request”; Page 2, col. 2, [0026], [0028]). Kim et al. also teaches receiving capacity information (see “space”; Page 3, col. 2, [0033] and [0034]) for at least one type of subscriber (see “client”). The reference applies a specified set of rules to produce a result set based on the service option selection and the capacity information; and determining *configuration parameters* for one or more network elements based on the result set (see Page 3, [0030] and [0034]). Kim et al. explicitly teaches network elements located in a remote location (see Page 2, [0026], [0027]). These network elements would also be downloaded from the remote location (see Page 3, col. 2, [0034]). Kim et al. teaches provisioning information based on the result set; and provisioning each of the network elements based on the provisioning information (see “client command”, Page 2, [0026]; “resources available to a particular user”, Page 3, [0030]). Kim et al. teaches registering the network elements (see “content of the database”, “servers”, Page 3, col. 1, [0031]). Kim et al. teaches storing provisioning information (see “set of parameters that control”, Page 3, col. 1, [0030]). However, the reference fails to explicitly disclose the limitation of “automatically” performing these steps, as claimed. Regarding this limitation, Barrett et al. teaches a network management (see Abstract) method in which a result set is automatically collected from network elements (see col. 12, lines 17-20). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method for “remote management of network elements” and “to communicate management information concerning the network elements”, as taught by Barrett et al.

*Response to Arguments*

7. Applicant's arguments filed 14 October 2005 have been fully considered but they are not persuasive.

In the Remarks, applicants argue that the combination of prior art does not teach, “automatically determining that one or more network elements are to be included in the integrated communication server based on the result set” (Page 7). Examiner respectfully disagrees. As stated above, Barrett et al. teaches a network management method (see Abstract) in which a result set is automatically collected from network elements (see col. 2, lines 21-37; col. 12, lines 17-20). This information is collected by a management server (see col. 2, lines 22-27). Barrett et al. teaches an “event distributor” (see col. 2, line 32) which provides, *inter alia*, command acknowledgements and command responses. An “alarm manager” indicates “current active” alarms within a plurality of network elements (see col. 2, lines 35-37). Furthermore, Barrett et al. teaches a menu of individual maintenance unit command options and includes a system status summary page for each managed network element. A web page also preferably includes a list of active alarms for the plurality of network elements (see col. 2, lines 44-48). Therefore, the reference teaches: (i) applying a set of specified rules and (ii) determining that network elements are to be included (see “acknowledgement”, “command responses”, “current active alarms”).

In the Remarks, applicants also argue that the combination of references does not teach, “automatically applying a specified set of rules to produce a result set based on the service option selection and the capacity information” and “automatically determining configuration parameters for the one or more network elements based on the result set” (see Page 8). As for these

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limitations, Kim teaches (Page 3, [0034]) applying rules (updating tables) in response to (i) option selection (see “user modifies”) and (ii) capacity information (see “memory space”).

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method for: (i) remote management of network elements by means of commands sent through the network and (ii) communicating management information concerning the network elements using a simplified network management protocol (SNMP). The evidence of this motivation is found in the Barrett et al. patent (col. 1, lines 19-21; col. 2, lines 7-9).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. **Dulman [US 5915008 A]** teaches, “Access server 48 is able to translate the CPE-supplied service request and convert the service request to network element-compatible data with the appropriate interface protocol. The maintenance and operations console

(MOC) 56 is a work station that provides AIN operators with the software tools required to **monitor, administer and operate each AIN network element**. The maintenance and operations console (MOC) 56 provides all capacity planning, performance, operations support, monitoring, testing, trouble reporting, configuration, administration, and installation tools for a network operation. Although not shown in FIG. 2, the access server 48 may also provide selected portions of the converted service requests to various operations support systems (OSS)” (emphasis added).

b. **Shurmer et al. [US 5974237 A]** teaches, “Operational parameters to be monitored in the monitoring session are input in step 140, and in steps 141 and 142 component and element signals corresponding to selected **network elements** and **components of those elements are collected for each user**. Collection of the component and element signals for all users is handled by the signal access layer resident on the server, as described herein. Data from the component signals and element signals is processed in step 143, prior to display of resultant data relating to the components and elements in steps 134, for each user. Each user is presented with an individual graphical display of selected performance parameters for each monitoring session. The performance parameters may be converted to a generic format prior to display, in which format comparison between different types of switch may be made on relative grounds. For example, a generic display may present that a switch is working at a percentage of maximum specific cell through put capacity, or is incurring overall a certain value of cell discard per connection” (emphasis added).

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 December 2005  
Alc



**KIM HUYNH**  
**PRIMARY EXAMINER**

12/22/05